

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT NUNN,

Plaintiff,

v.

CITY OF COATESVILLE, d/b/a  
COATESVILLE POLICE  
DEPARTMENT, *et al.*,  
Defendants.

CIVIL ACTION

NO. 24-6810

**ORDER**

AND NOW, this 27th day of March, 2025, upon consideration of Defendants' Motion to Partially Dismiss Plaintiff's Amended Complaint (ECF No. 11) and Plaintiff's Response (ECF No. 13), **IT IS HEREBY ORDERED** as follows:

1. Defendants' Motion to Dismiss Count I of the Amended Complaint as pleaded against Defendant Thomas Mack is **GRANTED AS UNCONTESTED**. Count I of the Amended Complaint (ECF No. 10) is therefore **DISMISSED WITH PREJUDICE** as pleaded against Defendant Mack.
2. Defendants' Motion to Dismiss Count I of the Amended Complaint insofar as it raises cruel and unusual punishment claims is **GRANTED AS UNCONTESTED**. Count I of the Amended Complaint (ECF No. 10) is therefore **DISMISSED WITH PREJUDICE** insofar as Plaintiff pleads said claim against Defendants City of Coatesville and Felicia Delligatti.
3. Defendants' Motion to Dismiss Count I of the Amended Complaint insofar as it raises an excessive force claim under the Fourteenth Amendment is **GRANTED AS UNCONTESTED**. Count I of the Amended Complaint (ECF No. 10) is therefore **DISMISSED WITH PREJUDICE** insofar as Plaintiff pleads said claim against Defendants City of Coatesville and Felicia Delligatti.
4. Defendants' Motion to Dismiss Count I of the Amended Complaint insofar as it raises a *Monell* claim against Defendant City of Coatesville is **GRANTED**. Count I of the Amended Complaint (ECF No. 10) is therefore **DISMISSED WITHOUT PREJUDICE** insofar as Plaintiff pleads said claim against Defendants City of Coatesville.

**BY THE COURT:**

**S/ WENDY BEETLESTONE**

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**WENDY BEETLESTONE, J.**